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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,981	06/24/2003	Charles E. Miller	WEYE120656/22193	3856
28624	7590	12/01/2005	EXAMINER	
WEYERHAEUSER COMPANY INTELLECTUAL PROPERTY DEPT., CH 1J27 P.O. BOX 9777 FEDERAL WAY, WA 98063			ANDERSON, CATHARINE L	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/603,981

Applicant(s)

MILLER ET AL.

Examiner

C. Lynne Anderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/15/03</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6-9, 14-15, and 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Klun et al. (6,762,339).

With respect to claim 1, Klun discloses an absorbent structure 10, as shown in figure 1, comprising a first web 11 having a first surface 12 and a second surface 13. The first web 11 comprises fibers, as disclosed in column 7, lines 62-66. A blood enhancing agent is disposed within the first web 11 by coating the first surface, as disclosed in column 26, line 50, to column 27, line 3, and therefore is present in an unequal amount on the first surface with respect to the second surface.

With respect to claim 2, the total amount of blood enhancing agent is 1.5% based on the weight of the fibers, as disclosed in column 26, line 52, to column 27, line 1.

With respect to claim 3, the blood enhancing agent is lactic acid, as disclosed in column 7, lines 38-39.

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With respect to claim 6, the total amount of blood enhancing agent is 1.5% based on the weight of the fibers, as disclosed in column 26, line 52, to column 27, line 1.

With respect to claims 7 and 8, the web comprises cellulose, as disclosed in column 8, lines 13-16, which functions as a superabsorbent material.

With respect to claim 9, the absorbent structure 10 further comprises a second web 15, as shown in figure 1.

With respect to claim 14, Klun discloses an absorbent structure 10, as shown in figure 1, comprising a first web 15 having a density, and a second web 11 comprising fibers and a blood enhancing agent, as disclosed in column 7, lines 18-39.

With respect to claim 15, the blood enhancing agent is lactic acid, as disclosed in column 7, lines 38-39.

With respect to claims 24 and 25, the second web comprises cellulose, as disclosed in column 8, lines 13-16, which functions as a superabsorbent material.

With respect to claim 26, the blood enhancing agent is disposed within the second web 11 by coating the first surface, as disclosed in column 26, line 50, to column 27, line 3, and therefore is present in an unequal amount on the first surface with respect to the second surface.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klun et al. (6,762,339) in view of Terao et al. (6,013,252).

Klun discloses all aspects of the claimed invention with the exception of the blood enhancing agent further comprising sodium lactate.

Terao teaches the application of both lactic acid and sodium lactate to an absorbent structure, as disclosed in column 7, lines 42, 44, and 63-64. The application of these alone or in combination are disclosed in column 7, lines 46-48, as equivalent applications by Terao.

It would therefore be obvious to one of ordinary skill in the art at the time of invention to provide the absorbent structure of Klun with sodium lactate, since its application in combination with lactic acid is taught by Terao as being an equivalent application.

Claims 10-13, 18-23, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klun et al. (6,762,339) in view of Jones et al. (US 2003/0236511 A1).

Klun discloses all aspects of the claimed invention with the exception of the composition and density of web 15. Klun discloses in column 8, lines 40-54, that web 15 is a liquid permeable sheet of non-stick material, but remains silent as to the materials comprising the sheet, or the density of the sheet.

Jones discloses an absorbent structure comprising first and second webs, as described in paragraph [0021]. The webs provide a suitable absorbent

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structure for a bandage. Since Klun discloses the absorbent structure is a bandage, it would be obvious to one of ordinary skill in the art at the time of invention to construct the web of Kun from the structure taught by Jones to provide a suitable multi-layer absorbent bandage.

With respect to claims 10 and 23, Jones discloses in paragraph [0021] that the web comprises cellulose.

With respect to claim 11, Jones discloses in paragraph [0022] that the web is compressed.

With respect to claim 13, Jones discloses in paragraph [0021] that the web includes superabsorbent.

With respect to claims 18 and 19, Jones discloses on page 5, Example 2, that the web comprises thermoplastic fibers which function to provide wet strength.

With respect to claims 12, 20, 22 and 27, Jones discloses in paragraph [0021] the density of the first web is 0.2 g/cc, and density of the second web is between 0.25 and 0.4 g/cc.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents 6,639,120; 6,469,080; and 5,610,208 disclose absorbent structures containing lactic acid.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number

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is (571) 272-4932. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA  
cla

November 28, 2005

**TATYANA ZALUKAEVA**  
**SUPERVISORY PRIMARY EXAMINER**

